



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,462	01/15/2004	Steven E. Ruffe	1.262.03	5871

7590 04/21/2005  
MALLOY & MALLOY, P.A.  
2800 S.W. Third Avenue  
Historic Coral Way  
Miami, FL 33129

EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/758,462

Applicant(s)

RUFFE, STEVEN E.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13, 32-41 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Bekker.

Bekker discloses the claimed invention, including a multitude of deployable controllable propulsion units, which when deployed are positioned laterally outward of the sides of the hull. A power supply is controlled by the controller, and energizes each propulsion unit as required, intermittently:

Re “trolling motor”, such fails to define any specific structure and/or arrangement so as to define over the motors of Bekker, as “trolling” is essentially an intended use limitation.

Re claim 8, Bekker states that such thrusters can be used in straight ahead propulsion of the vessel, in addition to the preferred dynamic positioning. Inherently therefore, such thrust axes will be parallel to the centerline of the craft.

Art Unit: 3617

Re "switch", such fails to define any specific structure and/or arrangement so as to define over the switching functions performed by the CPU, or each of the control modules **22**, and "master switch" fails to define over the CPU itself.

Re claim 43, "interconnecting orientation" such fails to define any specific structure and/or arrangement so as to define over Bekker, as all parts of the boat are interconnected. Re "structured to maintain", the thrusters of Bekker are inherently capable of same.

3. Claims 1,7,13-16,19-21,30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Garate.

Garate discloses the claimed invention, including a mounting sleeve **21**. The thrusters are disposed outboard of the side (figure 8) as they travel in an arcuate path during deployment. A control assembly is an inherency.

4. Claims 19,22,23 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee.

Lee discloses the claimed invention, including mounting sleeves **48**. Position stop members **53** are provided to retain the sleeve in any number of positions.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bekker in view of Plost et al.

Art Unit: 3617

Bekker fails to disclose a safety switch.

Plost teaches provision of a safety switch to prevent motor actuation when the motor is not in the operable position.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a safety switch to Bekker as taught by Plost.

Such a combination would have been desirable at the time the invention was made so as to provide for safety of the crew.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garate.

Garate fails to disclose through hull seals as claimed, however such are considered to have been notoriously old and well known in the art, and obvious to the ordinary routineer working in the art at the time of the invention.

8. Claims 19 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Smith.

Campbell teaches the field of the invention, including a pair of trolling motors positioned outboard of the hull, and being swingable through an arc. Campbell fails to disclose particulars of the pivoting assembly, including sleeve and stops as are known in the art as evidenced by Smith.

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the motors of Campbell as taught by Smith, such that each are mounted within a sleeve, and provided with a plurality of positionable stops.

Art Unit: 3617

Such a combination would have been desirable at the time the invention was made so as to provide ease positioning the motors.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams discloses the field of the invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart  
Primary Examiner  
Art Unit 3617